

**SAN DIEGO SUPERIOR COURT
SMALL CLAIMS INFORMATION SHEET # 3**

NOTICE OF COURT'S MOTION TO DISMISS

Pursuant to California State Delay Reduction Guidelines, all small claims cases must be disposed within 90 days of filing the claim. Therefore, the Court has implemented a delay reduction procedure for Small Claims. Accordingly, please be advised of the Court's intention to dismiss your case on the date of trial under certain conditions as follows:

If your claim has...	Then ...
proof of service and you fail to appear for your trial	Your case will be dismissed on the Court's own motion without prejudice on your trial date.
not been served and you do NOT want it to be dismissed	You should re-set the trial date at least 2 days prior to trial and attempt service again
not been served by the date of trial and you fail to reset it on or before the trial date	Your case will be dismissed on the Court's own motion without prejudice on your trial date

A RESET of the trial date may be requested by the plaintiff when the defendant has not yet been served with the claim. No fee is required. The applicant must file a "Request for Reset/Continuance" form in the Business Office at least two days prior to trial or appear on the trial date.

A CONTINUANCE may be requested by either the plaintiff or defendant after service has been effected on the opposing side. A \$10.00 fee is required. The applicant must file a "Request for Reset/Continuance" form in the Business Office at least 10 days prior to trial. Requests received less than ten days before the hearing will be attached to the case file for consideration on the trial date.

CERTIFIED MAIL

A reset of the trial date on cases where service was by certified mail can only be done in the business office if the certified mail was returned unclaimed/undeliverable. If the certified mail has not been returned, the request for reset must be done in court on the trial date.

A continuance of the trial date on cases where service was by certified mail can only be done in the business office if the green certified mail card was returned signed. If the green certified mail card has not been returned signed, the parties are to appear in court on the hearing date and request a continuance at that time.

No more than one continuance or reset per party may be granted by the clerk. Subsequent requests must be made on the new trial date before the bench officer.

If your case was dismissed without prejudice by the Court on the trial date and you wish to re-file it after the trial date has passed, **you must initiate a new case and pay new filing fees.**